



PATENT
P56945

REMARKS

In response to the July 26, 2006 Office Action, the following is submitted:

Claims 1-24 are pending in this application. No claim amendments are made by this response.

Claims 1-7, and 18-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Suda (U.S. Patent No. 6,122,518). This rejection is reversed for the following reasons:

Regarding claim 1, the Examiner has stated that Suda teaches a method for performing a call processing operation to manage state information of access nodes in a high-speed wireless data system (fig. 1, PHS base stations 2-1, 2-2, mobile stations 6-1, 6-2, 6-3, 6-4, switching network 1), comprising the steps of:

when an access node (fig. 1, mobile stations 6-1, PHS base stations 2-1) coupled to a wireless private network makes a request for a call connection with another access node (col. 3, lines 11-29) coupled to the wireless private network (fig. 1, control unit 4, switching network 1, col. 2, lines 52-58, col. 3, lines 11-14), carrying out a call connection between the access nodes (fig. 1, control unit 4, switching network 1, col. 2, lines 52-58, col. 3, lines 11-14), providing a high-speed wireless data service for the access nodes (fig. 2-3, col. 2, lines 61-67), and carrying out a call connection release after completing the high-speed wireless data service (fig. 4-8d, col. 3, lines 1-14).

However, as seen in col. 2, Suda does not disclose carrying out a call connection between the access nodes, providing a high-speed wireless data service for the access nodes, and carrying out a call connection release after completing the high-speed wireless data service as claimed. For example, in lines 65-67, Suda only discloses that the information transfer ability ITC is 01000, for unrestricted digital information, which does not disclose the presently claimed invention.

Suda checks and compares whether a channel is non-free, data-free, or voice-free and proceeds according to the comparison. However, in Suda, the carrying out a call connection release is not necessarily after completing the high-speed wireless data service and carrying out a call connection between the access nodes, and providing a high-speed wireless data service for the access nodes. The call connection release is not necessarily made after completing the high-speed wireless data service. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient.” *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981).

The Examiner has further stated that Suda discloses updating state information of the access nodes according to the call connection (fig. 4-8d, col. 3, lines 1-47) and connection release between the access nodes (fig. 4-8d, col. 3, lines 1-47).

As seen in col. 3, vacant designation is made, or data-free in the comparison; however, it is not necessarily according to the call connection and connection release.

Regarding claim 2, the Examiner has stated that Suda teaches when the high-speed wireless data service for the access nodes is completed (fig. 4-8d, control unit 4, switching network 1, col. 2, line 52 to col. 3, line 14), carrying out a call connection release (fig. 4-8d, col. 3, lines 1-47); and updating the state information of the access nodes to idle state information according to the call connection release (fig. 4-8d, col. 3, lines 1-47).

However, as seen in col. 2 and 3, the call connection release is not necessarily when the data service is completed and then updating for a busy state. Suda states that it is an object of Suda to reduce occurrences of an all-busy state of a base station having a definite number of traffic channels. Suda is actually trying to reduce the busy state. Furthermore, information is compared whether the channel is using data, voice or vacant, but there is no specific disclosure as to the busy state as arranged in the claim. A busy state alone is not a disclosure as arranged in the claim. Still furthermore, the idle state is not specifically disclosed in Suda and not as arranged in the claim. Suda does disclose a memory storing information regarding whether each of the traffic channels is non-free, data-free or speech-free, but this is not carried out specifically with the connection release as arranged in the claim.

Regarding claim 3, the Examiner has stated that Suda teaches when an access node (fig. 1, mobile stations 6-1, PHS base stations 2-1) coupled to a wireless private network makes a request for a call connection with another access node (col. 3, lines 11 -29) coupled to the wireless private network (fig. 1, control unit 4, switching network 1, col.

2, lines 52-58, col. 3, lines 11-14), allowing a private access network controller to carry out a call connection between the access nodes (fig. 2-3, col. 2, lines 61-67) and to provide a high-speed wireless data service for the access nodes (fig. 4-8d, col. 3, lines 1-14).

The above-noted comments for claim 1 also apply here.

Regarding claim 3, the Examiner has further stated that Suda discloses allowing the private access network controller to request that state information of the access nodes be updated (fig. 4-8d, col. 3, lines 1-47).

However, as seen in col. 3, the personal handyphone system (PHS) basestations are disclosed as seen in RCR-STD-28. However, this is not necessarily and identically disclosing a private access network control and it does not request that state information of the access node be updated. In col. 2, a control unit is mentioned, but it controls the time division switching network to carry out a call control connection according to the comparison. According to MPEP 2131, the identical invention must be disclosed as identically arranged in the claim.

Regarding claim 4, the Examiner has stated that Suda teaches the method of claim 3, with the data location register storing (fig. 1, memory 5) the information associated with the access node requesting for the call connection being equal to the information associated with the other access node (col. 2, line 52 to col. 3, line 14).

However, Suda fails to disclose the information associated with the access node requesting for the call connection being *equal* to the information associated with the other access node. Looking at col. 2 and 3, Suda only discloses a memory including a non-free, data-free and voice-free, but it does not mean that the information on two different access nodes are identically equal.

Regarding claim 5, the Examiner has stated that Suda teaches the method of claim 4, with the private access network controller and the data location register being configured to being based on an Internet protocol (col. 2, line 52 to col. 3, line 14).

However, Suda only mentions data traffic, but does not relate to an Internet protocol. In fact, its relationship to the Internet is never specifically mentioned in Suda.

Regarding claim 6, the Examiner has stated that Suda teaches the method of claim 5, with the private access network controller sending a state information update request message including current state information of the originating access node (fig. 4-8d, col. 3, lines 1-47) and the terminating access node to the data location register (fig. 4-8d, col. 3, lines 1-47).

However, Suda discusses the state of different channels, but there is no connection made between the originating access node and the terminating access node as arranged in the claim. As mentioned in col. 3, a call setup request is made, a setup message is given, and then there is a comparison as to the state of the channels being used, which is not as

claimed in the present invention.

In view of the above, it is submitted that claims 1-7, and 18-24 are patentable over Suda (U.S. Patent No. 6,122,518).

Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda (U.S. Patent No. 6,122,518) in view of Lu et al. (U.S. Patent No. 6,212,395). This rejection is reversed for the following reasons:

Regarding claim 8, the Examiner has indicated that Suda fails to specifically disclose, but that Lu teaches a second access node (fig. 12, mobile stations 656, 658, 660, 662, 664, 666, 688, and 690) receiving a second network service (fig. 12, col. 25, lines 58-65); and a second private access network transceiver system setting up a session when the second access node moves within the wireless service area of the second private access network transceiver (fig. 12, col. 25, line 58 to col. 26, line 46).

However, as seen in figures 6A and B of Lu, it is a hybrid network with access to the public and private networks. The network in Lu is not necessarily a second private access network as seen in figure 6-7, the network is not necessarily just private but is also a hybrid public network. The Federal Circuit has mentioned that “[t]he test for obviousness is not whether the features of one reference may be bodily incorporated into another reference...Rather, we look to see whether combined teachings render the claimed subject matter obvious.” *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (CCPA 1979)

(citing *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549-50 (CCPA 1969); *In re Mapelsden*, 329 F.2d 321, 322, 141 USPQ 30, 32 (CCPA 1964).

Therefore, merely connecting a second network and parts of the second network to Suda is not a teaching as claimed.

As to claims 9-17, It is submitted that they are patentable over Suda combined with Lu for the same reasons noted above with regard to claims 1-7 and 18-24.

In view of the above, it is submitted that claims 8-17 are patentable over Suda combined with Lu.

It is noted that the Examiner has already changed the rejection twice in view of our arguments. The Examiner should be reminded of MPEP §§706.07 and 2730. The USPTO has stated that to bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied. MPEP §706.07.

The U.S. Patent & Trademark Office has a guarantee of no more than 3-year application pendency.- Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the

United States. MPEP §2730. The present application was filed on September 9, 2003, and because of the Examiner's "rolling" 35 U.S.C. §§ 102 and 103 rejections, the present application has been delayed beyond the three year assurance by the U.S. Patent Office.

No other issues remaining, reconsideration and favorable action upon all of the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' undersigned attorney.

No fee is incurred by this response.

Respectfully submitted,



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